

REMARKS

Applicant has cancelled claims 6 and 7 because the limitations of these claims have been incorporated into claim 1. To provide a clear and concise response to the Office Action, Applicant will first address the rejection of claims 1-5 under 35 U.S.C. § 112 for being indefinite. Applicant will then address the rejections of claims 1-5 under 35 U.S.C. § 103(a) as being obvious.

Indefiniteness Rejections under 35 U.S.C. § 112

Claims 1-5 stand rejected under 35 U.S.C. § 112 as being indefinite due to the phrase in claim “from a closed position on said first side adjacent said first side.”

Applicant has amended claim 1 to remove this language from the claim and respectfully requests that the rejection of claims 1-5 be withdrawn.

Obviousness Rejections under 35 U.S.C. § 103(a)

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Crisp, U.S. Patent No. 4,900,087, in view of Maule, U.S. Patent No. 5,516,194. Applicant respectfully asserts the claimed invention has not been fully understood and that a *prima facie* case of obviousness has not been made out. Applicant has amended independent claim 1 to further clarify the invention from the prior art and has provided reasoning below as to why the cited art does not render the rejected claims obvious. Applicant has also cancelled claims 6 and 7 because the limitations of these claims have been incorporated in claim 1. Therefore, Applicant respectfully requests that the rejection of the claims 1-5 be withdrawn.

Three criteria must be met for a *prima facie* case of obviousness to be established. MPEP § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). First, the suggestion or motivation to modify the reference or to combine reference teachings must be found either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art. *Id.* “Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *Id.* And “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” *Id.*

Applicant respectfully submits that these criteria have not been met in the case of the claims rejected in the Office Action, especially in light of the amendments made to independent claim 1. The discussion below points out in detail why the cited combination of art does not render the cited claims obvious. From the outset, Applicant recognizes that “nonobviousness cannot be shown by attacking references individually where the rejections are based on combinations of references.” *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986); MPEP § 2145.

Nevertheless, the teachings in the individual references must be considered when analyzing whether the hypothetical structure that would have resulted from the combined teachings would have included all of the claimed features and whether one of ordinary skill in the art would have considered combining such teachings. Thus a discussion of the individual references is warranted since Applicant has amended independent claim 1 to further illustrate the elements of Applicant's invention.

Applicant has amended claim 1 to include the additional limitations that the first child seat portion must include a first component of an infant restraint system, the second child seat portion must include a second component of an infant restraint system, and that the receptacle in the backrest is sized to receive the first and second child seat portions. No new matter has been

added by this amendment, and support for this amendment is found at least in original claims 6 and 7 and in Figures 1 and 3.

In the rejection, the examiner concludes that Crisp teaches all of the limitations of claims 1-7 except for the requirement that the first child seat portion rests on the seat when it is in the open position. The examiner looks to Maule for this limitation in rejecting claims 1-7.

Applicant, however, respectfully asserts that neither Crisp nor Maule teach an infant restraint system that is incorporated into the first child seat portion and the second child seat portion. To find this limitation in Crisp, the examiner states that “a first component 50, 52, 56 (see Fig. 2) of an infant restraint system [is] located on the first child seat portion, [and] a second component 52, 54 of the infant restraint system [is] located on the second child seat system . . .” Applicant respectfully asserts that the items referenced by the examiner are not part of the first and second child seat portions; rather they are part of insert 42 that must be attached to the child seat after it is opened into the infant seating position as taught in the specification at Col.1, ll.37-40; Col.3, ll.51-55; and Col.4, ll.30-33 and in claims 6, 11, and 18.

Applicant further asserts that it would not have been obvious to one of ordinary skill in the art to incorporate the components of the infant restraint system because such an incorporation would prevent the Maule seat from functioning as a toddler seat because seat panel 30 would not be able to fold onto seat panel 28 if insert 42 and its components were permanently attached to seat panels 28 and 30.

Applicant therefore respectfully requests that the rejections of Claims 1-5 be withdrawn.

CONCLUSION

Applicant believes that claims 1-5 are now in condition for allowance and requests such a disposition.

If a telephone conference would advance the prosecution of this application, the undersigned may be called at 502-562-7378. Alternatively, H. Roy Berkenstock may be contacted at 901-537-1108.

Respectfully submitted,



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